

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JACK DILLS, JR.,

Defendant.

Case No. 21-CR-72-JPS

ORDER

On April 6, 2021, the Grand Jury returned a two-count Indictment charging Defendant with violating 18 U.S.C. § 924(c)(1)(A)(i) and 21 U.S.C. §§ 841(a)(1) and (b)(1)(D). ECF No. 1. On May 16, 2022, the Government filed a single-count Information charging Defendant with violating 18 U.S.C. §§ 922(g)(3) and 924(a)(2). ECF No. 23. The parties then entered into a plea agreement, and a plea colloquy was held before Magistrate Judge Nancy Joseph. ECF Nos. 24 and 27. The Court adopted Magistrate Judge Joseph's report and recommendation to accept Defendant's guilty plea. ECF No. 31.

Subsequently, on August 4, 2022, the Government filed a single-count revised Information, charging Defendant with violating 18 U.S.C. §§ 922(g)(3) and 924(a)(2). ECF No. 34. The parties also filed a revised plea agreement, ECF No. 35, and later a second revised plea agreement, ECF No. 37, both indicating that Defendant intended to plead guilty to Count One of the revised Information. The second revised plea agreement modified the statement of facts serving as the factual basis of Defendant's guilty plea. *Compare* ECF No. 35 at 13–14 *with* ECF No. 37 at 13–14.

The parties appeared before Magistrate Judge Nancy Joseph on August 15, 2022 to conduct a second plea colloquy pursuant to Federal Rule of Criminal Procedure 11. ECF No. 36. Defendant entered a plea of guilty as to Count One of the revised Information. *Id.* Defendant also agreed to the facts as summarized in the second revised plea agreement. *Id.* After cautioning and examining Defendant under oath concerning each of the subjects mentioned in Rule 11, Magistrate Judge Joseph determined that the guilty plea was knowing and voluntary, and that the offense charged was supported by an independent factual basis containing each of the essential elements of the offense. *Id.*

Magistrate Judge Joseph filed a Report and Recommendation with this Court, recommending that: (1) Defendant's plea of guilty be accepted; (2) a presentence investigation report be prepared; and (3) Defendant be adjudicated guilty and have a sentence imposed accordingly. ECF No. 39. Pursuant to General Local Rule 72(c), 28 U.S.C. § 636(b)(1)(B), and Federal Rule of Criminal Procedure 59(b), the parties were advised that written objections to that recommendation, or any part thereof, could be filed within fourteen days of the date of service of the recommendation. *Id.* at 1–2. To date, no party has filed such an objection. The Court has considered Magistrate Judge Joseph's recommendation and, having received no objection thereto, will adopt it.

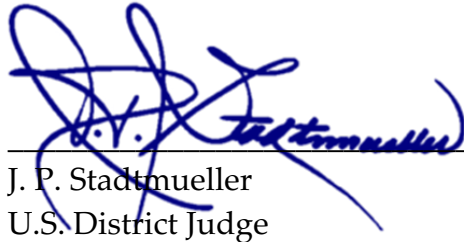
Accordingly,

IT IS ORDERED that the Court's adoption of Magistrate Judge Nancy Joseph's initial Report and Recommendation, ECF No. 31, be and the same is hereby **VACATED**; and

IT IS FURTHER ORDERED that Magistrate Judge Nancy Joseph's second Report and Recommendation, ECF No. 39, be and the same is hereby **ADOPTED**.

Dated at Milwaukee, Wisconsin, this 2nd day of September, 2022.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge